

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 CIVIL APPLICATION NO.14177 OF 2019
IN WP/715/2018

RUPEE CO OPERATIVE BANK THROUGH ITS AUTHORIZED
OFFICER AND AUTHORIZED OFFICER K B
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Aniruddha A. Nimbalkar, Advocate for the applicant
Mrs. V. S. Chaudhary, APP for the respondent/State
Mr. P. K. Nikam, Advocate for respondent No. 3
Mr. Deelip Bankar Patil, Advocate for respondent No. 4

**CORAM : T. V. NALAWADE &
S. M. GAVHANE, JJ.**

DATE : 03-12-2019

P. C.

. Application is filed for clarification of the order dated 03-01-2019 passed by this court in writ petition No. 715 of 2018. Though learned counsel for Mr. Shelke liquidator sought time in view of the nature of the claim and the things are clear this court has refused to give time to the counsel of Mr. Shelke.

2. Attention of this court was drawn to the portion of para No. 7 of the aforesaid order. Portion which is being misused by the liquidator is as under.

”The Mortgagor, sugar factory has made claim on the petitioner, by contending that entire amount is paid.”

There is communication made by liquidator dated 28-01-2019 and in that communication made with some Sub-Divisional officer and Sub-Divisional Magistrate the liquidator has informed that this court has dismissed the writ petition No. 715 of 2018 and the claim of Rupee bank against the sugar factory is also dismissed. This is not only misreading but mis-interpretation of the aforesaid portion of the order. No claim as such was decided by this court and this court had observed that proper forum/civil court should decide the dispute between the parties. Thus, aforesaid portion does not mean that this court had rejected the claim of Rupee bank. This is clarification given in the present proceeding, with this clarification the present proceeding is disposed of.

3. Parties to act upon authenticated copy of this order.

[S. M. GAVHANE, J.]

[T. V. NALAWADE, J.]